

Petition of NeuStar, Inc., as the North American Numbering Plan Administrator and on behalf of the Massachusetts telecommunications industry, for area code relief for the 413 area code in Western Massachusetts.

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## VOTE TO OPEN INVESTIGATION

### I. INTRODUCTION

Since 1997, Massachusetts has seen several requests for area code relief. Extraordinary growth in telecommunications has driven both carrier and consumer demand for new numbers. The Eastern Massachusetts Local Access Transport Area ("LATA") has seen the creation of six new area codes in the past three years.<sup>(1)</sup> Though necessitated by the state's robust economy and thriving telecommunications market, introducing new area codes can, if not skillfully managed, inconvenience and impose costs upon both consumers and businesses.

Until recently, Western Massachusetts, the 413 Numbering Plan Area ("NPA"), has had sufficient local numbering resources to meet its needs. However, recent economic growth and population increase, along with vigorous demand for telecommunications services, have taxed available exchange codes in the Western Massachusetts LATA, too.

In May 2000 - just after the Department ordered area code relief on April 25, 2000 for Eastern Massachusetts - NeuStar, Inc. ("NeuStar"), the North American Numbering Plan Administrator, notified the Department that the 413 NPA was running low on exchange codes.<sup>(2)</sup> At that time (i.e., May 2000), NeuStar estimated that the 413 NPA would exhaust its supply of exchange codes during the third quarter of 2002. On June 20, 2000, NeuStar hosted a carriers' meeting in Holyoke to discuss 413 relief alternatives. Carriers unanimously concluded that an all-services distributed overlay<sup>(3)</sup> was the preferred 413 relief method. At the Holyoke meeting, NeuStar informed attendees that Central Office

Code Utilization Survey ("COCUS") data now showed that the 413 NPA would be exhausted by first quarter 2002. NeuStar thus, in a single month, advanced the forecast exhaustion date by half a year. On August 1, 2000, NeuStar petitioned the Department, on behalf of Massachusetts telecommunications carriers, to approve an all-services distributed overlay relief plan for the 413 NPA.

## II. VOTE TO OPEN INVESTIGATION

The Department seeks to prevent or at least defer the need for a new area code in the 413 NPA. However, state code conservation efforts must work within the constraints imposed by Federal Communications Commission ("FCC") decisions that preempt most state authority over code conservation. Upon the heels of NeuStar's August 1 petition, the Department acted to try to alleviate the FCC's constraints. On August 2, 2000, the Department petitioned the FCC for a delegation of authority to implement certain number conservation measures in western Massachusetts and the four new overlay codes in eastern Massachusetts.<sup>(4)</sup> Specifically, the Department requested that the FCC grant the Department the authority, until national number conservation measures are implemented, (1) to institute thousands-block pooling trials, (2) to reclaim reserved codes, (3) to set numbering allocation standards, (4) to set or revise rationing procedures, (5) to hear and address claims of carriers seeking numbering resources outside the rationing process, and (6) to maintain rationing procedures for six months following area code relief. The FCC has issued a Public Notice and is currently considering the Department's petition.

In the meantime, NeuStar's projection for exchange code exhaust in the 413 NPA makes it timely and necessary to begin review of NeuStar's area code relief proposal. The purpose of this review is to determine the appropriate way to introduce a new area code in the 413 NPA, *in the event that introducing a new code proves unavoidable*. Opening this review by no means suggests that the Department regards a new area code as unavoidable; but prudence dictates that the question be addressed while we await FCC action on our August 2 petition for conservation authority.

The FCC has established guidelines that the states must follow in evaluating area code relief proposals. In evaluating overlay proposals, the Department must (1) seek to facilitate entry into the communications marketplace by making numbering resources available on an efficient and timely basis, (2) not unduly favor or disadvantage any particular industry segment or group of consumers, and (3) not unduly favor one technology over another. These will be the standards that govern this newly opened investigation as the Department solicits the views of Western Massachusetts' consumers, businesses, and carriers.

Accordingly, the Department

VOTES: To open an investigation to determine a relief plan to address the status of exchange codes remaining in the western Massachusetts 413 area code; and it is hereby

ORDERED: That the Secretary of the Department shall publish the attached Legal Notice.

By Order of the Department,

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James Connelly, Chairman

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W. Robert Keating, Commissioner

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Paul B. Vasington, Commissioner

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Eugene J. Sullivan, Jr., Commissioner

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Deirdre K. Manning, Commissioner

1. In 1997, the Department of Telecommunications and Energy ("Department") created two new codes through a geographic split of the existing 617 and 508 Numbering Plan

Areas. Investigation by the Department of Public Utilities on its Own Motion to Adopt a Plan for Addressing the Limited Number of Exchange Codes Remaining in Eastern Massachusetts' 617 and 508 Area Codes, D.P.U. 96-61(1997). In April 2000, the Department again determined that area code relief in Eastern Massachusetts was unavoidable and ordered the implementation of four new overlay codes. Petition of Lockheed Martin IMS, the North American Numbering Plan Administrator, for Area Code Relief for the 508, 617, 781 and 978 Area Codes in Eastern Massachusetts, D.T.E. 99-11/ D.T.E. 99-99 (2000).

2. The exchange code is the preface of the standard seven-digit number (*i.e.*, the group of numbers sharing a common three-digit prefix such as NXX-1234). An exchange code ("NXX") contains 10,000 telephone numbers. Historically, carriers could not be given telephone numbers in quantities smaller than a full exchange code.

3. The overlay plan favored by the industry is an all-services overlay, meaning all types of communications devices, including residential and business wireline telephones, wireless phones, alarm systems, pagers, and fax machines would be subject to the new overlay area code. The proposed overlay is "distributed" in that its boundaries would be congruent with the geographic boundaries of the current 413 NPA.

4. In September 1999, the FCC delegated certain number conservation authority to the Department for the then-existing codes in eastern Massachusetts. Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Codes, Order, CC Docket No. 99-200, 14 FCC Rcd 17447 (1999). This 1999 delegation does not cover the additional authority requested in the Department's

August 2, 2000 petition to the FCC.